

105TH CONGRESS  
1ST SESSION

# S. 363

To amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 1997

Mr. HOLLINGS (for himself, Mr. INOUE, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Children’s Protection  
3 from Violent Programming Act”.

4 **SEC. 2. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PRO-**  
5 **GRAMMING.**

6 Title VII of the Communications Act of 1934 (47  
7 U.S.C. 701 et seq.) is amended by adding at the end the  
8 following:

9 **“SEC. 718. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO**  
10 **PROGRAMMING NOT SPECIFICALLY BLOCK-**  
11 **ABLE BY ELECTRONIC MEANS.**

12 “(a) UNLAWFUL DISTRIBUTION.—It shall be unlaw-  
13 ful for any person to distribute to the public any violent  
14 video programming not blockable by electronic means spe-  
15 cifically on the basis of its violent content during hours  
16 when children are reasonably likely to comprise a substan-  
17 tial portion of the audience.

18 “(b) RULEMAKING PROCEEDING.—The Commission  
19 shall conduct a rulemaking proceeding to implement the  
20 provisions of this section and shall promulgate final regu-  
21 lations pursuant to that proceeding not later than 9  
22 months after the date of enactment of the Children’s Pro-  
23 tection from Violent Programming Act. As part of that  
24 proceeding, the Commission—

1           “(1) may exempt from the prohibition under  
2           subsection (a) programming (including news pro-  
3           grams and sporting events) whose distribution does  
4           not conflict with the objective of protecting children  
5           from the negative influences of violent video pro-  
6           gramming, as that objective is reflected in the find-  
7           ings in section 551(a) of the Telecommunications  
8           Act of 1996;

9           “(2) shall exempt premium and pay-per-view  
10          cable programming; and

11          “(3) shall define the term ‘hours when children  
12          are reasonably likely to comprise a substantial por-  
13          tion of the audience’ and the term ‘violent video pro-  
14          gramming’.

15          “(c) REPEAT VIOLATIONS.—If a person repeatedly  
16          violates this section or any regulation promulgated under  
17          this section, the Commission shall, after notice and oppor-  
18          tunity for hearing, immediately revoke any license issued  
19          to that person under this Act.

20          “(d) CONSIDERATION OF VIOLATIONS IN LICENSE  
21          RENEWALS.—The Commission shall consider, among the  
22          elements in its review of an application for renewal of a  
23          license under this Act, whether the licensee has complied  
24          with this section and the regulations promulgated under  
25          this section.

1 “(e) DEFINITIONS.—For purposes of this section—

2 “(1) BLOCKABLE BY ELECTRONIC MEANS.—

3 The term ‘blockable by electronic means’ means  
4 blockable by the feature described in section 303(x).

5 “(2) DISTRIBUTE.—The term ‘distribute’  
6 means to send, transmit, retransmit, telecast, broad-  
7 cast, or cablecast, including by wire, microwave, or  
8 satellite.”.

9 **SEC. 3. ASSESSMENT OF EFFECTIVENESS.**

10 (a) REPORT.—The Federal Communications Com-  
11 mission shall—

12 (1) assess the effectiveness of measures under-  
13 taken under section 718 of the Communications Act  
14 of 1934 (47 U.S.C. 718) and under subsections (w)  
15 and (x) of section 303 of that Act (47 U.S.C.  
16 303(w) and (x)) in accomplishing the purposes for  
17 which they were enacted; and

18 (2) report its findings to the Committee on  
19 Commerce, Science, and Transportation of the Unit-  
20 ed States Senate and the Committee on Commerce  
21 of the United States House of Representatives;

22 within 18 months after the date on which the regulations  
23 promulgated under section 718 of the Communications  
24 Act of 1934 (as added by section 2 of this Act) take effect,

1 and thereafter as part of the biennial review of regulations  
2 required by section 11 of that Act (47 U.S.C. 161).

3 (b) ACTION.—If the Commission finds at any time,  
4 as a result of its assessment under subsection (a), that  
5 the measures referred to in subsection (a)(1) are insuffi-  
6 ciently effective, then the Commission shall initiate a rule-  
7 making proceeding to prohibit the distribution of violent  
8 video programming during the hours when children are  
9 reasonably likely to comprise a substantial portion of the  
10 audience.

11 (c) DEFINITIONS.—Any term used in this section  
12 that is defined in section 718 of the Communications Act  
13 of 1934 (47 U.S.C. 718), or in regulations under that sec-  
14 tion, has the same meaning as when used in that section  
15 or in those regulations.

16 **SEC. 4. SEPARABILITY.**

17 If any provision of this Act, or any provision of an  
18 amendment made by this Act, or the application thereof  
19 to particular persons or circumstances, is found to be un-  
20 constitutional, the remainder of this Act or that amend-  
21 ment, or the application thereof to other persons or cir-  
22 cumstances shall not be affected.

23 **SEC. 5. EFFECTIVE DATE.**

24 The prohibition contained in section 718 of the Com-  
25 munications Act of 1934 (as added by section 2 of this

1 Act) and the regulations promulgated thereunder shall  
2 take effect 1 year after the regulations are adopted by the  
3 Commission.

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